

FULL COUNCIL MEETING MINUTES
March 21, 2016 - 1:30 PM
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Felton-Farmington Room, DeIDOT Administration Building, Dover

PRESENT

Daniese McMullin-Powell, Chair (via phone); Deborah Bradl, DVI; Anthony Carter, JEVS; Sonya Dyer, Dover AFB; Terri and Brigitte Hancharick, EPIC; Brian Hartman, DLP/DDC; Bonnie Hitch, DART; Karen McGloughlin, DPH (via phone); John McNeal, ADA-DeIDOT; Pat Maichle, Parent; Jim Miller, Polio/Post-Polio Support Group; William Payne, AAPD; Steve Perales, DSCYF/DPHS (via phone); Loretta Sarro, DOL/DVR DODHH (via phone); Lloyd Schmitz, Council of the Blind; Wendy Strauss, GACEC; Kyle Hodges, Staff; and Amber Rivard, Support Staff.

GUESTS

Gary Cimaglia, Special Olympics Delaware
Victoria Counihan, Deputy Attorney General/Department of Justice
Kylie Frazer, Special Olympics Delaware
Laurie Kettle-Rivera, Statewide Programs for the Deaf, Hard of Hearing & Deaf-Blind
Michelle Morin, Office of Supplier Diversity
Bradley Needham, Maxim Healthcare
Tom Nickel, DeIDOT
Belinda Strickland, DART

CALL TO ORDER

Kyle called the meeting to order at 1:36 pm as Daniese was participating by phone. Kyle added that Jamie is still in the hospital and unable to attend. He noted that Jamie is being inducted into the Delaware Women's Hall of Fame on Thursday, March 24, 2016. Everyone introduced themselves.

ADDITION OR DELETIONS TO THE AGENDA

None

APPROVAL OF MINUTES

The November 16, 2016 minutes were approved as submitted.

BUSINESS

Special Olympics Unified Sports Program Presentation

Gary spoke about the mission of Special Olympics, with a focus on Unified Sports. Special Olympics is the largest sports organization for people with intellectual disabilities, with over 4 million worldwide in over 170 countries. Delaware Special Olympics has 3,700 athletes who participate year-round in over 20 sports and 45 competitions. Their goal is to have 5,000 athletes participate in the next year. They have five large community programs in Wilmington, Newark, MOT, Kent County and Sussex County. Gary stated that over 100 schools participate with Special Olympics throughout the year. Training is a requirement for all athletes who participate in sports.

Kylie spoke about the School Partnership Program, including sports and youth leadership for the whole school engagement. The Unified Sports Program is their number one focus. This includes those with and without intellectual disabilities competing and playing on the same field. This program creates friendship and meaningful opportunity for training and competing in sports competition. Kylie and Gary played a brief video showing the benefits of the United Sports Program. Gary explained that the goal is for all players to be able to compete and train together, and each team member experiences meaningful involvement and creates success for the entire team. Kylie added that they work with pre-school through college. She explained the program according to the different age brackets: Children aged 2-7 are developing their motor skills; children aged 8-21 are offered basketball and soccer skills. Unified Team Soccer is offered in elementary school through high school and began last year. She said that the turnout has been tremendous. They now offer Unified Track & Field and Unified Flag Football (5 high schools piloted this year and 8 high schools are on board for next year). Gary spoke about their continuing partnership with the DIAA (Delaware Interscholastic Athletic Association). Gary commented that the feedback from the schools has been great and gave several examples. He said that their goal is to have a sport in every season. In 2013, they had 4 schools participating in track & field; this year they have 20 schools participating. Gary and Kylie showed a short video on the benefits of the United Flag Football Program. Kylie commented that a senior takes on a leadership role and serves as a unified coach, working along with other coaches.

Kylie spoke about pilots with some of the private schools in Delaware, including Tower Hill. She stated that the goal in the next five years is to have a Unified Sports Program in every public high school in Delaware that is able to do it. She asked if anyone knew of schools that might be interested to let her know. Brian spoke about the first video which mentions eligibility for kids with intellectual disabilities. He asked if kids with physical disabilities or kids who use wheelchairs are eligible to participate. Gary clarified that Special Olympics Delaware's philosophy is that no one is prohibited from participating if their participation is meaningful to them. Those having physical disabilities are unified partners; students who use wheelchairs are eligible to participate as athletes. Lloyd asked if their goal of 5,000 athletes participating includes youth and adults or is it for the entire program. Kylie clarified that it is for the entire program, with the largest increase in youth. Lloyd asked what areas need coaches. Kylie said that they need volunteer coaches and other volunteers in any sport they offer. They also need people experienced in sports to help guide the coaches. Wendy asked if they will continue to give stipends to schools that are participating. Kylie responded that they currently offer stipends for track and field. She added that most schools have not asked for the stipend. She added that they ask the schools to provide bus transportation. Kyle asked about possible partnership with DART. Bonnie stated that she was willing to discuss this and other ways to improve coordination. Michelle spoke about having greatly reduced contracts for bus transportation. Gary commented that they are trying not to put additional burden on the schools and also help Special Olympics defray costs. Michelle will follow-up with Gary on this idea. Jim asked if they are looking at other sports for young adults and adults. Gary stated that they want to expand to all three seasons and are continually analyzing the sports program. Currently they are involved in interscholastic sports.

Brian asked about DIAA's flexibility regarding academic eligibility for those students transferring from another school. Gary commented that they have not had to deal with this requirement yet. There is a Unified Sports Committee within DIAA that will be reviewing these types of issues and how it will affect the program as it continues to grow. The goal is to make it as normal an experience as possible for those who want to participate, but retain the integrity of the sport. They are working on special programs that may not be housed within a particular school and provided an example. Kyle spoke about H.B. 175, which addressed a pilot and asked if the legislation is not needed at the point because of the success of the program. Gary commented that the bill is still active, but may be going in a different direction. Gary added that the schools have been incredibly supportive of the Unified Sports

Program. Kyle thanked Gary and Kylie for their presentation today. Gary will forward a copy of the PowerPoint presentation to Kyle.

Pedestrian Accessibility Standards Facilities in the Public Right of Way

Kyle referred to an email (handout) with comments regarding Pedestrian Accessibility Standards Facilities in the Public Right of Way. Also in the handout was a letter supporting the concept and the comprehensive nature of the document with the caveat that the Council lacks sufficient expertise in accessibility standards to endorse the specific technical requirements and guidelines in the document. He spoke about a presentation given by DelDOT in March, 2015 to the Full Council. Lloyd stated that he had provided extensive comments in December, 2015 and wanted to know the status of the comments he had submitted. Lloyd stated that Jim Pappas had contacted him to meet and review the comments. Lloyd wants to make everyone aware of the Public Comments and to get feedback from DelDOT in a public forum.

Kyle noted that there is an Advisory Council on Walkability and Pedestrian Awareness (handout (Executive Order Number Fifty-Four). John commented that nothing has officially moved forward. He stated that DelDOT has accepted the standards that were adopted pre-regulation as Departmental standards; these are internal and there is no obligation from municipalities or other entities to abide by what DelDOT has established. John spoke with Jim who stated he plans to schedule meetings both internally and externally. John hopes to have a presentation to the Full Council in the next month or so. Kyle stated that when final regulations are published, there is an obligation to take every comment into consideration and provide a rationale on whether the comment is accepted or the reasons for denial; this is a regulatory requirement. John added that there have been internal trainings on the document. He stated that he believes the intention was to have the standards regulated before the meetings. John noted that the majority of the comments were more editorial than substantive. Lloyd commented that he wanted assurance that his comments were going to be addressed. John added that some of the editorial comments were useful in improving the document. Kyle asked if the Federal Highway Administration's approval is required or what type of collaboration occurs. John clarified that a review has been completed. John noted there may be policy changes that may change PROWAG and fundamentally change the requirements. Kyle commented that revisiting this issue is important because it points to connectivity, how people get around the state, and ensuring appropriate access over time. John added that the system is more streamlined, is a consistent way to achieve results through the regulatory process, and shows commitment from DelDOT. Victoria encouraged Lloyd to meet with DelDOT as he chooses by himself or with the Council instead of waiting for the final regulations. John, Lloyd and Kyle will connect to discuss further if needed.

Bill commented that DelDOT needs to be commended for the work on this project. Jim asked John what connectivity means to him. John responded that he thinks of a number of areas (e.g. sidewalks, bus stops, curb ramps) that need to be linked together and maximize resources for accessibility. Jim asked about jurisdiction outside the city or town limits. Tom stated that DelDOT is going through a process to establish jurisdictional responsibilities. He added that DelDOT has to ask permission to go into municipalities to do work (based on the Constitution). Jim asked if there will be discussions with the municipalities and sees lack of communication as an issue, which causes increased costs, etc. Jim provided an example of where he lives. Jim added that he is glad to see DelDOT going in the right direction and hopes to see improvement for future generations. John spoke briefly about training and covering the area of municipalities meeting ADA and 504 compliance requirements. He has spent the last year trying to bring the municipalities to the table. DelDOT, under Title 6, has a responsibility to educate, inform and enforce their requirements to meet these obligations in order to receive federal funding. Bonnie spoke about the challenges DART has faced in providing services to Delawareans and gave several examples, with one being the Kent County Library. Kyle asked Bonnie to let him know if

the Council could advocate on this issue now or in the future. Bonnie explained that when DelDOT buses go on private property, they are required to have a Memorandum of Understanding in place from the property owner. Lloyd offered to contact Annie Norman (Division of Libraries) in his role on the Council of the Blind. Bonnie will follow-up with Lloyd on this.

Legislative Initiatives & Updates

Kyle provided updates about the following initiatives:

- Accessible parking – H.B. 200 was introduced last session. This bill requires spaces to comply with the ADA standards and in some aspects goes beyond ADA (e.g. requiring a wheelchair only space, requiring signs in the access aisles). It also increases the fines for people illegally parked in these spots. It also provides for a permit and inspection process of the accessible parking spaces even when they are resurfaced, restriped, and repainted. Kyle said that meetings were held last fall with concerned groups (State and Mid-Delaware Chamber of Commerce, Delaware Associations of Councils, Kent County, City of Dover, City of Harrington), and representation from Government Affairs. Pat, Brian and Bill and others also attended. On example of compromise was that, instead of an on-site inspection, agreement was made that person making renovations could submit pictures to the counties or municipalizes showing compliance with ADA standards. Final changes were sent to the aforementioned groups in January and Kyle has not received any comments. A substitute bill will be introduced in the next day or two and heard in Committee on Wednesday.
- S.B. 179 – Source of Income. Kyle explained that there are 12 protected classes in the Fair Housing context. This will add source of income to these protected classes. Source of Income includes Social Security, veteran's benefits, and food stamps. Housing vouchers are not included due to great opposition from the Delaware Apartment Association. This bill has passed the Senate (with one small amendment regarding sufficiency and sustainability of income). While heard in the House Committee, the Delaware Apartment Association has raised some concern from some of their constituents on non-government assistance. Kyle said that we requested that it be released in Committee, and we will work in good faith to determine if another amendment is needed. It was released from Committee. Brian added that some Wilmington landlords had raised concern, although Wilmington has an ordinance that bans discrimination based on fixed income, including other forms of assistance.
- Concussion Protection Legislation - This SCPD initiative has been in the works for six months and has not been introduced. Representative Heffernan is willing to sponsor this bill. Kyle explained that there is concussion protocol for DIAA member schools. This bill will expand the protocol to recreational, community and travel leagues. This legislation is modeled from one passed in Washington, DC. Draft copies have been sent to DHSS (Department of Health & Social Services) and DPH (Division of Public Health). Kyle added that this bill addresses that if a player is suspected of a concussion he or she shall be removed from the game. DPH raised concern about the requirement that the Division write and enforce the regulations. The language was changed that DPH may write the regulations and may consult with SCPD on this, so there is a joint responsibility. The regulations would be written in two contexts: DPH would determine what a health care provider is and what a significant concussion risk is. Amended language was drafted and sent to DHSS and DPH. Kyle hopes to have consensus before the Legislature returns from break. Wendy asked if there would be training for those making decisions about concussions. Kyle added that the coaches will be required to have concussion training and it could be done online. He added that CDC has an online course. One idea is to put a survey on the SCPD website that can be completed to ensure that leagues are compliant. Stricter enforcement may be needed.
- Supported Decision Making (SDM) Legislation – This initiative has been spearheaded by the DDC (Developmental Disabilities Council). Kyle explained that this is another step in the

continuum of decision making option in Delaware (for example, power of attorney or guardianship). SDM is a more independent approach and will allow the person to opt to have a Supported Decision Maker assist with, for example, health care, housing, or financial issues. Unlike guardianship, however, the person is making the decision and not the supported decision maker. Senator Bethany Hall-Long is amenable to sponsoring the legislation. Some changes have been made from the draft legislation and additional changes may be made based on concern from the Delaware Hospital Association and the Delaware Trial Lawyers Association. He referred to a handout regarding a Supported Decision-Making Summit on April 15, 2016. Kyle hopes to have legislation introduced by that time. Terri commented that this will give parents another option.

- S.B. 180 – Age of Majority – SCPD Supported – Brian stated this bill has passed the Senate and Out of House Committee. Brian explained that the feds adopted a regulation ten years ago regarding special education children who are turning 18, but not having the capacity to exercise special education rights. The feds stated that states should have policies addressing this, with the presumption that the parent receives priority for that area. Delaware is implementing regulations with this legislation. Brian expects the legislation to pass.
- Soliciting SCPD Membership on a to-be-created Oversight Committee. Kyle explained that the Department of Justice Settlement Agreement with DHSS regarding mental health services would be wrapping up in July. Legislation may be proposed to create an oversight committee to continue to review community integration, wrap-around services, etc. (the goals of the Settlement Agreement). Kyle asked for the Council's opinion on whether we should move forward with trying to solicit more information. Brian commented that the Department of Justice Settlement Agreement covered employment, getting apartments with an SRAP voucher, and a multitude of support services with targets. Brian explained that without federal oversight and quarterly reports from the Court Monitor, there is potential for backsliding. Brian stated that he recommended that the Council be involved in monitoring the prospective implementation of the standards that were developed. A motion was made for the SCPD to solicit membership on the Oversight Committee. The motion was made by Brian, seconded by Jim and approved unanimously by the Council members.

Michelle encouraged reaching out to the Library system in reaching individuals. There is a program called Inspiration Space, where unique education is given monthly for individuals to find employment, build small businesses, and improve technology skills. She recommended contacting the Division of Libraries for the opportunity to build good relationships as part of the oversight review.

- State Use Law Commission – Lloyd explained that the State has contracts that provide products and services to the State of Delaware. Some of these contracts are set aside contracts for people with disabilities. DelARF, (name to be changed) and DVI-DIB (Division for the Visually Impaired/Delaware Industries for the Blind, who receive Set-Aside Contracts, are being reviewed by the Joint Sunset Review Committee and will be recommending changes. Kyle stated that the three main changes are:
 - Establishment of a central nonprofit agency as a body that can act as an administrative entity for State Use Contracts.
 - The composition of the State-Use Law Commission will be revamped.
 - The proposed legislation would open the program to private businesses that employ persons with disabilities at a minimum of 75 percent of direct labor for service-based contracts and 50 percent of direct labor for product based contracts. Prior standards only permitted nonprofit agencies with CARP Accreditation to participate with 75 percent of direct labor.

Kyle stated that we were provided with a draft and provided some preliminary observations, mostly technical. Brian reviewed the document and provided those recommendation. These

were forwarded to Dan Madrid, who sent them to Doyle Dobbins (Chair) and Debbie Harrington (Co-Chair) of the State Use Law Commission. A question was asked if any of these positions are sub-minimal wage. Kyle and Lloyd both responded that they were not. Lloyd commented that the guidelines are being loosened to allow for more competitive integrated employment into the State Use Law Program. He added that the Set-Aside Contracts are above \$50,000/year. Michelle clarified that contracts that are services only would be \$50,000 and above; contracts for items (for example, promotional products) range from \$10,000-\$25,000. Victoria asked if Kyle was looking for the Council to approve the preliminary observations. Kyle explained that these are usually discussed at the Policy & Law Committee, which did not meet this month and he was not asking for approval at this time. Brian added that SCPD comments were requested and have been submitted. He offered to share the observations with the Full Council. Victoria recommended that comments be shared in case anyone had anything to add or discuss at the next meeting.

- Kyle stated that Senator Baumbach had asked SCPD to comment on draft legislation. Nurses came forward seeking protection from injuries. Kyle stated that he provided comments after Brian's review and recommendations. Kyle offered to forward these comments to Council members if wanted. Brian stated that the intent was to increase the penalties for nurses getting injured. Brian's analysis was that the existing penalties seemed fair. Michelle asked if the law included that the individual causing the harm was cognizant of causing the harm. Brian commented that there was some language about people with disabilities, which is why Senator Baumbach asked for our comments. Brian gave examples of people having reactions to different situations and having behaviors without the intention of harming someone. He spoke of people being restrained for their safety, not understanding the situation and striking out. He said that they could be exposed to years in jail for having these reactions. He stated that the existing law provided sufficient protections. There was discussion about the intent of the legislation. Kyle will send this information to Council members and additional comments can be sent to him. Michelle questioned the scope of the legislation and the inclusion of a disability evaluation, but will follow-up by reviewing the legislation.

Victoria asked if the legislative committee makes a recommendation on behalf of the Council or is it brought before the Council. Kyle explained that bills and regulations are usually discussed at the Policy & Law Committee meetings. Letters are disseminated after the Policy and Law Committee meeting based on discussion and approval at those meetings, but the letters are under the signature of Daniese McMullin-Powell as Chair of the Council. The SCPD by-laws state that the Policy and Law Committee has the authority to take action consistent with its charge without approval of the full Council. Kyle noted that there are occasions when the turn-around time to provide comments is short. When this occurs and comments/letters are provided in which SCPD or Policy and Law does not have time to review, approval or edits are solicited from the Executive Committee. Regarding the "nurse protection" draft legislation, he was not sure if he sent the information to the Executive Committee for review. Daniese spoke about her role as Chair of the Council and Chair of the Policy & Law Committee. She stated that she has always been afforded an opportunity to review and comment on legislation.

Kyle will schedule a meeting of the Executive Committee to address current protocol and determine if changes in the by-laws are warranted.

Joint Retreat

Kyle reminded everyone about the Joint Retreat on April 7, 2016 at the Duncan Center. This all-day meeting includes representatives from DDC, GACEC and SCPD. Kyle said about 10 SCPD members have agreed to participate. He explained that the DDC is required to develop a Strategic Plan every

five years, and has invited SCPD and GACEC to participate. Wendy added that public forums have been held over the last year, including a webinar, to discuss gaps and services in Delaware.

Committee Reports

None

OTHER BUSINESS

None

ANNOUNCEMENTS

Sonya spoke about an information fair on April 5th focused on children with special needs. She stated that if anyone is interested in participating, she has invitation cards available. Sonya needs to know by Monday, March 28. Also, there is a Health & Wellness Fair on the base on April 27th and she can be contacted if anyone is interested in participating.

ADJOURNMENT

The meeting was adjourned at 3:39 pm.

Respectfully submitted,

Jo Singles
Administrative Specialist

SCPD/min/mar16